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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,551	10/09/2001	Richard R. DeWitt	10793/14	7178
7590 05/28/2008 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER LIU, I JUNG				
ART UNIT 3694		PAPER NUMBER		
MAIL DATE 05/28/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/974,551

**Applicant(s)**

DEWITT ET AL.

**Examiner**

MARISSA LIU

**Art Unit**

3694

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 14-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 14-17 are presented for examination. Applicant filed an amendment on 6/6/2007 amending claim 14. In view of Applicant's amendment, the Examiner withdraws the grounds of rejection of claims 14-17 based on 35 USC 102 and 35 USC 103. However, new grounds of rejection of claims 14-17 necessitated by Applicant's amendment are established in the instant office action as set forth in detail below.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-16 are rejected under 35 U.S.C. 102(a) as being unpatentable by Cross, US Patent Number: 6,144,726 in view of Official Notice.

3. As per claim 14, Cross teaches a method of verifying repair facility charges billed to an equipment owner by a repair agent, comprising:

loading a set of repair billing data associated with the repair charges into a computer-based billing verification system that is accessible to both the equipment owner and the repair agent via a distributed computer network (column 4, lines 56-67; column 5, lines 66-67; column 6, lines 1-15);

facilitating equipment owner review of the repair billing data via the billing verification system to identify one or more billing exceptions associated with one or more disputed repair charges (abstract; column 14, lines 9-22);

generating a billing exception record in the billing verification system for each of the billing exceptions (abstract; column 14, lines 9-22);

notifying the repair agent of the billing exceptions (abstract; column 14, lines 9-22);

Cross does not teach facilitating repair agent review of and response to the billing exception records via the billing verifications system, generating a billing exception response record for one or more repair agent responses and notifying the equipment owner of the repair agent responses.

Official Notice is taken that facilitating review and response to records via system, generating record for one or more responses and notify owner of responses is old and well known in the banking industry as a convenient way for business or service person to provide individual customer accurate or up-to-date information. Therefore, it would have been obvious to one of the ordinary skill of the art at the time of invention to have included facilitating review and response to records via system, generating record for one or more responses and notify owner of responses to verifying charges bill.

4. As per claim 15, Cross and Official Notice teach a method of verifying repair charges billed to an equipment owner by a repair agent as in claim 14 described above. Cross further teaches wherein facilitating repair agent review further comprises facilitating review by a repair agent managing representative of all billing exception

records (Fig. 5; Fig. 11; column 3, lines 24-27; column 9, lines 28-30; column 12, lines 27-56).

5. As per claim 16, Cross and Official Notice teach a method of verifying repair charges billed to an equipment owner by a repair agent as in claim 14 described above. Cross further teaches wherein facilitating repair agent review further comprises facilitating review by a repair agent field representative of only those billing exception records that are associated with a field repair facility for which the field representative is responsible (Fig. 5; Fig. 11; column 3, lines 24-27; column 9, lines 28-30; column 12, lines 27-56).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cross, US Patent Number: 6,144,726 (PTO 892 form A), in view of Official Notice, further in view of Barich et al., US Patent Number: 6,955,100 (PTO form B).

7. As per claim 17, Cross and Official Notice teach a method of verifying repair charges billed to an equipment owner by a repair agent as in claim 14 described above. Cross teaches the billing exception records and governing billing repair cards (abstract; column 14, lines 9-22). Cross does not teach wherein records are displayed in a format that complies with the Association of American Railroads Interchange Rules. Barich et al. teaches wherein records are displayed in a format that complies with the Association of American Railroads Interchange Rules (column 2, line 50-column 3, line 4).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to records are displayed in a format that complies with the Association of American Railroads Interchange Rules feature to the combined method

of Cross and Official Notice because Cross teaches that adding feature helps the user following the AAR guidelines (see column 2, line 48-column 3, line 4).

***Response to Arguments***

8. Applicant's arguments with respect to claims 14-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA LIU whose telephone number is (571)270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. L./  
Examiner, Art Unit 3694

/James P Trammell/  
Supervisory Patent Examiner, Art Unit 3694